

1<sup>st</sup> September 2020

## POSSESSION PROCEEDINGS AFTER 20 SEPTEMBER 2020

### THE NEW NOTICE PERIODS – LANDLORDS BEWARE

On 28<sup>th</sup> of August the government announced further measures designed to make it harder for landlords to regain possession of their property. The earlier changes are set out in our [article of the 24th of August](#), the government has now gone further and lengthened the notice period that needs to be given in most cases.

- The original position pre Covid 19 was that a landlord had only to give 2 months notice; because of Covid 19 this was extended to 3 months
- From 29<sup>th</sup> August this period is extended in most cases to 6 months [although surprisingly not in respect of notices served before 29<sup>th</sup> August] continues over
- There are some exceptions to the 6 months notice period which appear on the government web site:
  - anti-social behaviour (4 weeks )
  - domestic abuse (2 to 4 weeks)
  - false statement ( 2 to 4 weeks )
  - over 6 months' accumulated rent arrears (4 weeks)
  - breach of immigration rules 'Right to Rent' (3 months)

### Together with the earlier measures, [Article 24th of August](#) , what does this mean for landlords ?

The combined result is that in a case of serious rent arrears but of less than 6 months a landlord must give 6 months notice and then wait for the court to provide a hearing date. That is likely to be many months in the future and in practical terms will mean that there is no point in starting proceedings until a tenant is 6 months in arrears. At that stage at least only 4 weeks notice is required but do not expect an early hearing date from the courts.

The position of landlords wanting their property back to sell it or refurbish it at the end of the agreed term of the tenancy is even worse. The government has an agenda in relation to these 'no fault evictions' as they are provocatively called "[a signed agreement to leave at the end of the tenancy](#)" and this measure is part of it.

For landlords who have not yet served it would be wise to serve one now even if you don't want the property back at the end of the term. You can always withdraw it by agreement with the tenant. On the other hand, if you don't and decide later on that you do want the tenant to go you will have to give 6 months notice and then, if the tenant does not honour the agreement and leave, wait many months before a court gives you a hearing date.

How is this fair to landlords whose circumstances change, need to sell their property urgently, need it for themselves or for a member of the family who might be old or otherwise vulnerable or had planned well in advance to carry out works to the property?

Cynically, this government assumes that all landlords have no political home other than inside the conservative party and that they can pass measures at their expense with impunity. But landlords have rights too, don't they? Many are individuals of modest means who have invested their pension in a property. And there is a dangerous precedent set when a government changes the law to allow citizens to avoid the consequences of an agreement freely entered into. Tenants knew when they signed any assured shorthold tenancy that they could be asked to leave at the end of the term. Tenants should be held to their bargain. Nothing would stop a government altering the law in respect of future tenancies, indeed they say they are going to. However, these hastily drafted retrospective changes will cause great injustice and loss to at least some landlords. And some rogue tenants will play this new system, with its built in delays, for all it is worth. The government is wrong in thinking that only tenants need protecting.

**At Astberrys we have excellent contacts with specialist solicitors and barristers and offer landlords who let their property through us a premium possession service should the need arise.**



ASTBERRYS  
36a Kenway Rd, London SW5 0RA  
0207 370 0123  
[business@astberrys.co.uk](mailto:business@astberrys.co.uk)  
[www.astberrys.co.uk](http://www.astberrys.co.uk)

